

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONA LINTON, individually and as
Guardian to Q.L., her minor child,

Plaintiffs,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION,

Defendant.

CASE NO. C18-5617 BHS

ORDER GRANTING
DEFENDANT'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT AND SEVERING
PLAINTIFFS' CONSUMER
PROTECTION ACT CLAIM

This matter comes before the Court on Defendant National Railroad Passenger Corporation's ("Amtrak") motion for partial summary judgment. Dkt. 26.

On August 1, 2018, Plaintiff Donna Linton, individually and as guardian to Q.L., her minor child, ("Plaintiffs") filed a complaint against Amtrak for negligence, punitive damages, and a violation of Washington's Consumer Protection Act ("CPA"). Dkt. 1. On February 27, 2020, the Court granted Amtrak's motion for summary judgment on Plaintiffs' request for punitive damages, denied the motion on Plaintiffs' CPA claim, and allowed any party to show cause why the CPA claim should not be severed from the negligence claim. Dkt. 20. No party responded to the show cause. Plaintiffs, however,

1 requested reconsideration on the punitive damages ruling because the Court overlooked
2 their request for a continuance to pursue additional discovery. Dkt. 21. On June 9, 2020,
3 the Court granted Plaintiffs' motion and vacated the order. Dkt. 25.

4 On October 14, 2020, Amtrak filed another motion for summary judgment on
5 Plaintiffs' request for punitive damages. Dkt. 26. On November 2, 2020, Plaintiffs
6 responded and submitted the identical argument in opposition. Dkt. 28. On November 6,
7 2020, Amtrak replied. Dkt. 30.

8 For the reasons set forth in the previous order and the orders relied upon therein,
9 the Court again **GRANTS** Amtrak's motion for partial summary judgment on Plaintiffs'
10 claims for punitive damages. The Court need not address arguments it has already
11 rejected in this and related cases.

12 Regarding Plaintiffs' CPA claim, the Court severs the claim from Plaintiffs'
13 negligence claim. The Clerk shall open a new cause number for this claim with these
14 parties.

15 Dated this 10th day of November, 2020.

16
17 

18 BENJAMIN H. SETTLE
19 United States District Judge
20
21
22